

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

v.

NICHOLAS JOSEPH ROTUNDO

§
§
§
§
§

NO. 4:14MJ309

AMENDED MOTION FOR DETENTION HEARING

The United States requests that this case be set for a detention hearing under 18

U.S.C. § 3141, et. seq., for the following reason(s):

1. The pending case involves:

- ☐ (A) A crime of violence.
- ☐ (B) An offense for which the maximum sentence is life imprisonment or death.
- ☐ (C) An offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act, the Controlled Substances Import and Export Act or Title 21, United States Code, section 955(a).
- ☐ (D) A felony committed after the Defendant had been convicted of two or more prior offenses described in Title 18, United States Code, section 3142(f)(1)(A)(C) or comparable state or local offenses.
- ☒ (E) A serious risk that the Defendant will flee.
- ☒ (F) A serious risk that the person will obstruct or attempt to obstruct justice, or attempt to threaten, injure or intimidate a prospective witness or juror.
- ☐ (G) The person was on release pending trial for a felony under State, Federal or Local law; or was on probation or parole for an offense under State, Federal or Local law.

- ☐ (H) A felony that involves a minor victim.
- ☐ (I) A felony that involves the possession or use of a firearm or destructive device or any dangerous weapon.
- ☐ (J) A felony that involves the failure to register under Title 18, United States Code, Section 2250.

2. No condition or combination of conditions will:

- ☒ (A) Reasonably assure the appearance of the person as required.
- ☒ (B) The safety of the community or any other person.

3. The Government requests that a hearing of this motion be conducted:

- ☐ Immediately;
- ☒ After a continuance of three (3) days at the request of the Government;

WHEREFORE, premises considered, the United States prays that the Court conduct a hearing to determine whether the Defendant should be detained without bail pending trial, and, further, the Government prays that the Defendant be detained without bail pending trial.

Respectfully submitted,

JOHN M. BALES
United States Attorney

/s/ William R. Tatum
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CERTIFICATE OF SERVICE

I certify that I filed a true and correct copy of this document through the district court's Case Management/Electronic Case File ("CM/ECF") system on October 6, 2014.

All case participants should have received notice of the filing through the CM/ECF system.

/s/ William R. Tatum

WILLIAM R. TATUM